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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,729	11/17/2003	Robert M. Stone	5037.046	4667

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EXAMINER

GARRETT, ERIKA P

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,729

Applicant(s)

STONE, ROBERT M.

Examiner

Erika Garrett

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/17/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Borgman (5,323,695). Borgman discloses the use of a lift table comprising base (11), load platform (13), and a vertically extendible means (18) relative to the base; raising and lowering the platform sensor mechanism (97) including a plurality of sensors mounted on said base of the table and affecting a perimeter the base; guard (17) operably connected to the base and mounted over said sensor mechanism and adapted to activate the sensor mechanism when pressure is exerted upon the guard; and plurality of springs (col.6-8) between the base and the guard, such that the guard suspended over the base; thereby providing a means for interrupting a descent of the platform in response to an object encroaching the base and exerting pressure on the guard said perimeter of the base and exerting pressure on the guard. In regards to claim 2, wherein said sensors comprise pressure switch.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeakle (5,379,655) in view of Yindra (3,707,930). Yeakle discloses the use of a lift table comprising base (12), load platform (14), and a vertically extendible means (16) relative to the base; raising and lowering the platform sensor mechanism (42) including a plurality of sensors mounted on said base of the table and affecting a perimeter the base; guard (46) operably connected to the base and mounted over said sensor mechanism and adapted to activate the sensor mechanism when pressure is exerted upon the guard; such that the guard suspended over the base; thereby providing a means for interrupting a descent of the platform in response to an object encroaching the base and exerting pressure on the guard said perimeter of the base and exerting pressure on the guard; further comprising a sensor as a plurality of pressure switches (col.5, lines 45-50), and the sensor as hydraulically interrupt the descent of the platform when the pressure is exerted on the guard, see col. 4 lines 39-44. Yeakle shows the use of all the claimed invention but fails to show the use of springs. Yindra teaches the use of springs (34), see figures 3-6. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the base with springs as taught by Yindra, in order to stabilize the table and it protects the user against injury or damage to furniture.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yeakle in view of Yindra. Yeakle shows the use of all the claimed invention but fails to show the use of a hall-effect switch. It would have been an obvious matter of design choice to have an hall-effect switch, since applicant has not disclosed that hall-effect switch solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a pressure switch.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to lift table: U.S Pat. No. US005931532A, US005588377A, US006098961A, US006230662B1, US005348324A, US005460460A, US005870647A, US005884882A, US005979606A, US006286629B1, US006516478B2, 4010826, 4558847, 3686696, 4768242.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 703-605-0758. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EG
November 9, 2004


Peter M. Cuomo
Supervisory Patent Examiner
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